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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,471	12/18/2000	Pascal Albert Emile Lefebvre	Q62150	9352

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EXAMINER	
HAN, CLEMENCE S	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/737,471	LEFEBVRE ET AL.	
	Examiner	Art Unit	
	Clemence Han	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-21,23,24,26 and 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-15,17-21 and 26* is/are allowed.

6)☐ Claim(s) *1-7,9,16,23,24 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (US 5,367,523) in view of Lauffenburger et al. (US 6,657,961).

Regarding to claim 1, Chang teaches a network status reporting method for reporting in a communications network a network status information to a data source 21 with an adaptive transmission rate in order to enable said data source to adapt said transmission rate based on said network status information (Column 8 Line 15-24), said communications network further comprising at least one intermediate network node 22, and a data sink 23, wherein only said data sink reports to said data source on said network status information of said communications network in a neighbourhood around the data sink (Column 8 Line 7-9), wherein no intermediate network node reports to said data source on said network status information of said communications network (see Figure 2), wherein said communications network is a heterogeneous network comprising at least two different networks (Column 6 Line 16-20). Chang, however, does not teach the data sink initiates said reporting of the network status information to said data source without

a request from said data source. Lauffenburger teaches the data sink 14 initiates said reporting of the network status information to said data source 12 without a request from said data source (Column 4 Line 49-58, also see 50 in Figure 2). It would have been obvious to one skilled in the art to modify Chang to report without a request from the data source as taught by Lauffenburger in order to provide near instantaneous flow control due to detected congestion (Column 5 Line 27-31 and Column 7 Line 46-48).

Regarding to claim 23, Chang teaches one of the at least two different networks form the neighborhood around the data sink and wherein the neighborhood around the data sink is different type of network from a network formed by the intermediate node (Column 6 Line 16-20).

Regarding to claim 24, Chang teaches the data sink is connected to a network termination element via a first communication network and wherein said network termination element is connected to the data source via the at least one intermediate network node of a second communication network, and wherein the first communication network is a different type of network from the second communication network (Column 6 Line 16-20).

3. Claim 2, 4, 6, 7, 9, 16 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (US 5,367,523) in view of Demakakos (US 6,891,851) and further in view of Lauffenburger et al. (US 6,657,961).

Regarding to claim 2, Chang teaches a communications network comprising: at least one data source 21 with an adaptive transmission rate; at least one intermediate node 22; and at least one data sink 23, wherein said data source adapts said transmission rate on the basis of network status information (Column 8 Line 15-24), and wherein only said data sink is able to report said network status information of said communications network in a neighbourhood of the data sink to said data source (Column 8 Line 7-9) and no intermediate node is able to report network status information to said data source (see Figure 2), and wherein said communications network is a heterogeneous network comprising at least two different networks (Column 6 Line 16-20). Chang, however, does not teach said at least two different networks comprises a packet network and a frame relay network. Demakakos teaches said at least two different networks comprises a packet network 61 and a frame relay network 50 (see Figure 1). It would have been obvious to one skilled in the art to modify Chang to include a packet network and a frame relay network in the communication network as taught by Demakakos in order to provide high speed packet switched communication (Column 8 Line 40-46). Chang in view of Demakakos, however, does not teach the data sink initiates said reporting of the network status information to said data source without a request from said data source. Lauffenburger teaches the data sink 14 initiates said reporting of the network status information to said data source 12 without a request from said data source (Column 4 Line 49-58, also see 50 in Figure 2). It would have been obvious to one skilled in the art

to modify Chang in view of Demakakos to report without a request from the data source as taught by Lauffenburger in order to provide near instantaneous flow control due to detected congestion (Column 5 Line 27-31 and Column 7 Line 46-48).

Regarding to claim 4, Chang teaches said data sink 23 is a network termination in an access network of said communications network.

Regarding to claim 6, Chang teaches the data source 21 being used in the communications network according to claim 2.

Regarding to claim 7, Chang teaches the data sink 23 being used in the communications network according to claim 2.

Regarding to claim 9, Chang teaches said data sink is configured to regularly report to said data source on said network status information of said communications network (Column 8 Line 60-63).

Regarding to claim 16, Chang teaches the network status information is information about the status of a network segment around the data sink, the network status information comprises a report about at least one of: congestion, radio-frequency interference, and weather condition in the network segment around the data sink, and the report is communicated to the data source (Column 8 Line 7-9).

Regarding to claim 27, Chang teaches the data sink is connected to a network termination element via a first communication network and wherein said network termination element is connected to the data source via the at least one intermediate

network node of a second communication network, and wherein the first communication network is a different type of network from the second communication network (Column 6 Line 16-20).

4. Claim 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. in view of Demakakos and Lauffenburger et al. as applied to claim 2 above, and further in view of Giroux et al. (US 6,963,538).

Regarding to claim 3, Chang in view of Demakakos and Lauffenburger, however, does not teach said data sink is a line termination in an access network of said communications network. Giroux teaches said data sink 19 is a line termination in an access network of said communications network. It would have been obvious to one skilled in the art to modify Chang in view of Demakakos and Lauffenburger to use data sink as a line termination as taught by Giroux in order to monitor network status around the line termination (s2 in Figure 3A).

Regarding to claim 5, Giroux teaches said network status information is a capacity of a link 16 between a network termination 18 and a line termination 19 in said access network of said communications network (Column 5 Line 61-65).

Allowable Subject Matter

5. Claim 10-15, 17-21 and 26 are allowed.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.H

Clemence Han
Examiner
Art Unit 2616

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